

UNITED STATES DISTRICT COURT

for the

District of New Mexico**FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America

v.

Case No. 16-MJ-2014

MAY 04 2016

MATTHEW J. DYKMAN
CLERKTOM BEGAYE JR*Defendant(s)***CRIMINAL COMPLAINT**

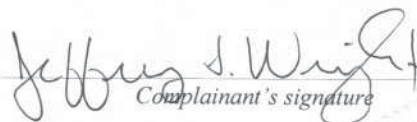
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/02/2016 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

Title 18, U.S.C. Section 1153	Crime on Indian Reservation
Title 18, U.S.C. Section 1111	Murder
Title 18, U.S.C. Section 1201(a)(2)	Kidnapping within the United States
Title 18, U.S.C. Section 1201(g)	Kidnapping where victim is a minor

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Jeffrey T. Wright, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: May 4, 2016*Judge's signature*City and state: Farmington, New Mexico**B. Paul Briones, US Magistrate Judge***Printed name and title*

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

United States of America)

vs)

TOM BEGAYE JR.)

YEAR OF BIRTH: 1988)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jeffrey T. Wright, being duly sworn, do hereby
depose and state:

1. I am a Special Agent (SA) with the United States
Department of Justice, Federal Bureau of Investigation (FBI),
and have been employed in that capacity for approximately seven
and one half years. I am currently assigned to the Albuquerque
Division of the FBI, Farmington Resident Agency, and have
primary investigative responsibility for crimes that occur in
Indian Country, including violent crimes such as homicide,
robbery, aggravated assault, and sexual assault. I am also
responsible for investigating all other federal crimes which
fall within the FBI's purview in the San Juan County area of New
Mexico.

2. The information set forth in this affidavit has been
derived from an investigation conducted by SA Wright, Shiprock
Criminal Investigator (CI) Jefferson Joe, Navajo Department of
Criminal Investigations (NDCI), and/or communicated to me by

1 other law enforcement officers of the Navajo Nation and
2 witnesses. It is intended to show only that there is sufficient
3 probable cause for an arrest and does not set forth all of my
4 knowledge about this matter.

5 3. On the evening of May 2, 2016, investigators spoke with
6 a 9-year old boy (hereafter referred to as John Doe), who
7 provided the following witness account regarding the
8 disappearance of his sister (hereafter referred to as Jane Doe
9 1) within the exterior boundaries of the Navajo Nation Indian
10 Reservation in Northwest New Mexico:

11 4. John Doe got off his school bus in the afternoon of May
12 2, 2016, with his sister Jane Doe 1, an additional older sister
13 (hereafter referred to as Jane Doe 2), and another friend from
14 school. While starting to walk home, John and Jane Doe 1 played
15 in an irrigation canal while Jane Doe 2 continued separately
16 back to their house. While near the canal, John Doe said a red
17 van pulled up to him and Jane Doe 1, and the driver of the
18 vehicle, who was the only occupant, asked the children if they
19 needed a ride. John Doe said Jane Doe 1 had hurt her foot and
20 they both decided to get in the vehicle. The vehicle then
21 headed toward the Shiprock Pinnacle, eventually driving on to a
22 remote dirt road.

23 5. The driver of the vehicle then took Jane Doe 1 out of
24 the vehicle and walked toward a hill. John Doe said the driver
25 took a curved piece of metal with him when they left. John Doe
26 stayed in the vehicle by himself. About an hour later, the man
27 returned, but without Jane Doe 1. He still had the curved piece
28

1 of metal with him. The man subsequently told John Doe to get out
2 of the vehicle.

3 6. John Doe made an attempt to locate his sister Jane Doe
4 1, but was not successful. He then walked back on the dirt road,
5 eventually reaching Navajo Route 13, where he was seen by
6 motorists walking by himself. He was thereafter picked up and
7 taken to the police.

8 7. John Doe described the man who took his sister as having
9 short hair, being not skinny nor fat, and not very old. The man
10 was wearing dark clothing. He described the vehicle as a red van
11 with sliding doors, and said it had some trash bags, a tire, a
12 jacket, and a baseball cap inside.

13 8. John Doe said neither he nor Jane Doe 1 knew the man
14 previously.

15 9. Investigators additionally spoke with Jane Doe 2, the
16 older sister of both John and Jane Doe 1. Jane Doe 2 advised
17 that while she was walking home on her own, after getting
18 dropped off by the school bus with her siblings, she was also
19 approached by a man driving a red van who asked if she wanted to
20 get in. She refused to get in the vehicle and he drove off. She
21 described the man as having short hair and being in his 30s.

22 10. On May 03, 2016, CI Louis St. Germaine, NDCI, spoke
23 with an individual identified as G.M. regarding the
24 disappearance of Jane Doe 1. G.M. told CI St. Germaine that he
25 should speak to his neighbor, identified hereafter as R.D.,
26 about a red van that was seen around the time of Jane Doe 1's
27 disappearance. G.M. led CI St. Germaine to R.D.'s home where
28 R.D. was interviewed. R.D. explained that his clan brother, TOM

1 BEGAYE JR., saw a red van in the area of the location that Jane
2 Doe 1 disappeared. CI St. Germaine subsequently followed R.D.
3 to his sweat lodge, which is located approximately one quarter
4 of a mile from R.D.'s main residence, to speak with BEGAYE. CI
5 St. Germaine noticed a red Dodge Caravan bearing New Mexico
6 license plate NNZ243 parked near the sweat lodge. G.M. took
7 photographs of BEGAYE and his vehicle as BEGAYE talked with CI
8 St. Germaine. When John Doe subsequently observed the picture of
9 the man identified as BEGAYE, he immediately said that was the
10 man who took his sister, Jane Doe 1. John Doe also identified
11 BEGAYE's vehicle as the one that picked him and Jane Doe 1 up on
12 May 2, 2016.

13 11. Investigators determined that on May 3, 2016, BEGAYE
14 and his vehicle were located at a sweat lodge outside of
15 Shiprock, NM. BEGAYE was found near a red van fitting the
16 description given by John Doe, Jane Doe 2, and as described in
17 Paragraph 10. BEGAYE was subsequently arrested and thereafter
18 provided the following information to SA Wright and CI Joe:

19 12. BEGAYE told investigators that he saw John and Jane Doe
20 1 playing and offered them a ride. Both of the children got in
21 his vehicle. He stated that he picked up Jane Doe 1 because he
22 had the intention of having sexual intercourse with her. He
23 drove away from the area, eventually heading west on Navajo
24 Route 13. He then drove away from the highway along a dirt road
25 and stopped near a hill. Jane Doe 1 was crying and begging to be
26 taken home.

27 13. BEGAYE said that he took out an L-shaped tire iron and
28 hid it under his jacket. He then took Jane Doe 1 behind the hill

1 where he took off her pants, underpants, and shoes, and
2 penetrated her vagina with two fingers. As Jane Doe 1 was
3 crying, BEGAYE hit her in the head hard with the tire iron. She
4 immediately fell to the ground. He then hit her again in the
5 head with the tire iron. BEGAYE said she then laid still.
6 Investigators eventually located Jane Doe 1's body near Navajo
7 Route 13, which is within the exterior boundaries of the Navajo
8 Nation Indian reservation, located in Indian Country within the
9 District of New Mexico. Jane Doe 1's head was bloody and
10 appeared to have sustained blunt force trauma.

11 14. BEGAYE later said Jane Doe 1 was moving when he left
12 her, naked, in the spot where she fell. He said he never
13 penetrated her with his penis.

14 15. After striking Jane Doe 1 with the tire iron, BEGAYE
15 went back to his van. John Doe was still in the vehicle. BEGAYE
16 drove a short distance along the dirt road toward the highway
17 but then stopped and told John Doe to get out of the vehicle. He
18 then drove away, leaving John Doe.

19 16. Based upon the information provided in this affidavit,
20 your Affiant submits there is probable cause to believe that on
21 the evening of May 2, 2016, TOM BEGAYE JR., an enrolled member
22 of the Navajo Nation Indian Tribe, was within the territorial
23 jurisdiction of the Navajo Nation Indian Reservation when he
24 kidnapped and killed Jane Doe 1 by striking her in the head with
25 a tire iron, in violation of Title 18, United States Code,
26 Section 1153 (Criminal Offense committed within Indian Country),
27 Section 1111 (Murder), Section 1201(a)(2) (Kidnapping within the
28


1 United States), and Section 1201(g) (Kidnapping where victim is
2 a minor).

3 17. I swear this information to be true and correct to the
4 best of my knowledge and belief.

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9 Jeffrey T. Wright
10 Special Agent
11 Federal Bureau of Investigation
12 Farmington, New Mexico

13 Subscribed and sworn to before me this 4th day of May, 2016.

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15 United States Magistrate Judge
16 B. Paul Briones, US Magistrate Judge
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